

SINCLAIR

BROADCAST GROUP

December 12, 2016

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: GN Docket No. 16-142
Response to Notice of *Ex Parte* Communications by the American Television Alliance and AT&T Service, Inc. and DISH Network L.L.C.

Dear Ms. Dortch:

On December 9, the undersigned met with William Lake, Martha Heller, Evan Morris, Kim Matthews and Kathy Berthot of the Media Bureau to respond to the *ex parte* notices filed in the above-mentioned docket by the American Television Alliance (“ATVA”) on December 2, 2016 and by AT&T Services, Inc. (“AT&T”) and DISH Network L.L.C. (“DISH”) on December 5, 2016.

Sinclair Television Group, Inc. (“Sinclair”) believes that ATVA, AT&T, and DISH have either misunderstood or ignored the very clear message in the petition at issue (the “Petition”)¹: “Because broadcasters voluntarily electing to move to the new standard will continue to deliver programming streams to MVPDs in the current standard...there should be no new operational burdens on MVPDs.”² The Petition does not request the FCC to require MVPDs to carry any Next Generation TV signals. Neither does it contemplate any changes to the current must carry or retransmission consent regimes resulting from the advent of Next Generation TV.

The reason for this is simple. MVPDs are technically incapable of retransmitting Next Generation TV. Next Generation TV uses High Efficiency Video Coding (“HEVC”), which is not supported by current cable and DBS systems. The installed base of most, if not all, MVPD set-top boxes and related transmission equipment is incompatible with HEVC, meaning those MVPDs are physically incapable of retransmitting a Next Generation TV signal, even if they wanted to. In its *ex parte* letter, AT&T admits as much by stating, “...carriage of an ATSC 3.0 signal would require new equipment at each local receive facility and could potentially require new consumer set-top boxes.”³

Broadcasters have no interest in delaying implementation of Next Generation TV until MVPDs are technically capable of carrying it. Therefore, broadcasters are prepared to deliver their program streams to MVPDs in the current standard (ATSC 1.0), so as to maintain the operational status quo of

¹ Joint Petition for Rulemaking of America’s Public Television Stations, the AWARN Alliance, the Consumer Technology Association, and the National Association of Broadcasters, April 13, 2016, GN Docket No. 16-142.

² Id, page 18.

³ *Ex parte* letter of AT&T, GN Docket No. 16-142 (filed on December 5, 2016), page 1.

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MVPD carriage. Because there would be no change in what MVPDs are carrying, there should be no change to the underlying carriage arrangement, be it must carry or retransmission consent.

It is not in any broadcaster's interest to demand carriage of programming streams that an MVPD is incapable of carrying. And it would seem to be in everyone's interest...broadcasters, MVPDs, and their subscribers...for broadcasters to promise MVPDs consistency and certainty during broadcasters' migration to Next Generation TV, which broadcasters have done. In light of this, we can only conclude that ATVA, AT&T and DISH persist in their ruse to delay implementation of Next Generation TV because they see it as a competitive threat to their service offerings and are seeking to withhold Next Generation TV's benefits from the marketplace altogether.

We urge the FCC to see these efforts for what they are: a poorly disguised attempt by MVPDs to stifle broadcast innovations intended to serve the public interest. The FCC should not broaden this very narrow, technical rulemaking into a comprehensive inquiry on competitive industry business relationships. Rather, the FCC should limit the NPRM to questions about Next Generation TV technology and its broadcast implementation plan. To do otherwise would constitute technology-based discrimination against those advancing the very agenda that this and previous Commissions have stood for: innovation and competition to serve consumers and the public interest.

Sincerely,

_____/s/_____
Rebecca Hanson
SVP, Strategy and Policy

Cc (via email): William Lake
Martha Heller
Evan Morris
Kim Matthews
Kathy Berthot